

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

V.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

AFFIDAVIT OF KHALID BIN OBAID AZZAHRI

I, Khalid Bin Obaid Azzahri, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

2. I have been informed by the attorney for Al Haramain Islamic Foundation (“Al Haramain”) that Al Haramain is a defendant (D54) in the above-captioned action. I am submitting this affidavit in support of Al Haramain’s Motion to Dismiss for (1) failure to state a claim upon which relief can be granted and (2) improper service of process. I currently serve as the General Manager of Al Haramain.

3. Al Haramain is a charitable and humanitarian organization whose purpose is to engage in Islamic call activities and to provide assistance to Muslims affected by disasters, natural and otherwise. It operates through branch offices in nearly 50 countries and employs a

staff of approximately 5,000, most of whom are teachers and lecturers. Al Haramain operates under the supervision of the Saudi Minister of Islamic Affairs, who appoints its Board of Directors and senior management personnel. Furthermore, Al Haramain continues to remain in good standing with the government of Saudi Arabia, as evidenced by a declaration dated March 21, 2004. See Declaration of Abdullah Mohammed Ibrahim Al Sheikh, Saudi Minister of Justice. (Attachment B).

4. Al Haramain has never supported the loss of innocent life and believes that there is no justification for the tragic attacks of September 11, 2001 (9-11 attacks). Al Haramain has never supported any person or organization that it knew to participate in terrorist activities.

3. The Third Amended Complaint in this case has several allegations about Al Haramain, but most are in error. See ¶¶154-179. As the attached correspondence to the United Nations and related attachment show, these allegations are based largely on uncorroborated media reports and classified government allegations. See Al-Debasi Letter to Kofi Annan Dated Mar. 3, 2004. (Attachment C).

5. Al Haramain also denies that it had any knowledge of the activities of Osama bin Laden, or al Qaeda other than what is generally known through the press. At no time did Al Haramain ever knowingly participate in, or support in any way, terrorist activities, nor were any of its worldwide branch offices authorized by Al Haramain, explicitly or implicitly, to engage in such activities.

6. Al Haramain also denies that it has knowledge of any terrorist activities as alleged in ¶¶ 17, 25, 26, 27, 30 and 31 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004), due largely to Plaintiff's lack of specificity and world-wide intelligence agency's use of secret evidence in its designation processes.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Khalid Bin Obaid Azzahri
In his official capacity as the Financial & Administrative
Manager of Al Haramain

Executed on the 7 day of April, 2004.

الرقم : ٧٤ / س / ص

التاريخ : ٢٠ / ١ / ١٤٢٥ هـ

المرفقات :



المملكة العربية السعودية
وزارة العدل
مكتب وزير

I, the Minister of Justice of the Kingdom of Saudi Arabia confirm that, the following organizations are legally established in the Saudi Arabia and are permitted to operate under its laws and regulations ;

- A. Muslim World League
- B. World Assembly of Muslim Youth
- C. Al-Haramain Islamic Foundation
- D. International Islamic Relief Organization; and

IN WITNESS WHEREOF, in my capacity as Minister of Justice, the foregoing has been executed in Riyadh on this 30 / 1 / 1425H. (21 / 3 / 2004)

Minister of Justice of the Kingdom of Saudi Arabia

Name : Abdullah Mohammed Ibrahim Al Sheikh

Signature

Stamp

21/3/2004

أنا وزير العدل بالمملكة العربية السعودية أؤكد أن الهيئات المذكورة أدناه مؤسسة نظاميا في المملكة ولها أن تعمل فيها حسب الأنظمة واللوائح.

- أ- رابطة العالم الإسلامي
- ب- الندوة العالمية للشباب الإسلامي
- ج- مؤسسة الحرمين الإسلامية
- د- هيئة الإغاثة الإسلامية

إشهادا بذلك ، فإني بصفتي وزيراً للعدل ،

تم التوقيع على هذا في الرياض في

يوم ٣٠ / ١ / ١٤٢٥ هـ. الموافق ٢٠٠٤ / ٣ / ٣١ م

وزير العدل بالمملكة العربية السعودية

الاسم : عبد الله محمد إبراهيم الشيخ

التوقيع :

الختم : ٢٠٠٤ / ٣ / ٣١



مؤسسة الحرمين الخيرية

المكتب الرئيس - الرياض
مكتب المدير العام



Date : 03/03/2004

التاريخ :

Accordingly, I request that, going forward, we receive notice of any potential designations --prior to such designation -- and be afforded the opportunity to rebut the 1267 Committee's "case" for designation. A

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

ALHARAMIN CHARITABLE FDNHead Office - Riyadh
General Manager Office**مؤسسة الحرمين الخيرية**المكتب الرئيس - الرياض
مكتب المدير العامRef. : 5282/25/2
03/03/2004

Date :

الرقم

التاريخ :

"give and take" prior to designation would provide transparency and due process protections within the framework of the 1267 Committee and would assist Al Haramain and other charities in effecting organizational reform and implementing "best practices." Providing Al Haramain notice of a potential designation and the opportunity to be heard prior to designation would also serve the laudable goal of maintaining the delivery of legitimate charity to poor people around the world.

Having set forth my concerns and aspirations, I write to seek a dialogue between the 1267 Committee (or its successor) and Al Haramain on these issues. This way, the humanitarian and relief work of Al Haramain would not be interrupted or aborted unnecessarily. Furthermore, Al Haramain would have the opportunity to present documents and information in an effort to reverse the designations in place now and avoid future designations. A dialogue between Al Haramain and the Committee would also serve the mutually beneficial goal of institutional reform.

Finally, please find enclosed a letter from legal counsel to a media outlet in Nairobi. As you can see, the host countries investigation of Al Haramain conclusively proved that Al Haramain had nothing to do with the 1998 bombings. Unfortunately, this unfounded accusation account seems to get recycled whenever it is convenient to bash Saudi-based charities.

Best Regards,

(Debas Mohammed Al Debasi)
General Manager

